

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SARA WOODHOUSE,

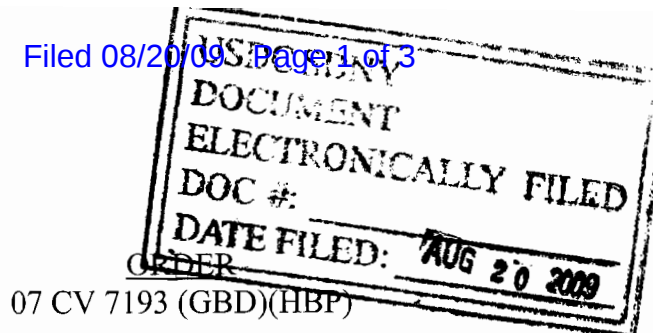
Plaintiff,

-v-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

GEORGE B. DANIELS, District Judge:



Pro se Plaintiff Sara Woodhouse brings this action pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g), seeking review of the Commissioner of Social Security's ("the Commissioner"'s) denial of Plaintiff's application for disability insurance benefits and supplemental security income benefits. The Commissioner moves to remand the action in order to further develop the administrative record. Plaintiff has not opposed the Commissioner's motion for remand. In fact, the plaintiff seeks the same relief in the alternative.

The Court referred the matter to Magistrate Judge Henry B. Pitman for a Report and Recommendation. Magistrate Judge Pitman issued a Report and Recommendation ("Report") recommending that the Commissioner's motion for remand be granted.

The Court may accept, reject or modify, in whole or in part, the findings and recommendations set forth within the Report. 28 U.S.C. § 636(b)(1). When there are objections to the Report, the Court must make a de novo determination of those portions of the Report to which objections are made. Id.; Heckler v. Montgomery, 567 F. Supp. 2d 471, 472 (S.D.N.Y. 2008). The district judge may also receive further evidence or recommit the matter to the magistrate judge with instructions. See Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(c). It is not required, however, that the Court conduct a de novo hearing on the matter. See United States v. Raddatz, 447 U.S. 667, 676 (1980). Rather, it is sufficient that the Court "arrive at its own, independent conclusions" regarding those portions to which objections were made. Nelson v. Smith, 618 F. Supp. 1186, 1189-90 (S.D.N.Y. 1985) (quoting Hernandez v. Estelle, 711 F.2d

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619, 620 (5th Cir. 1983)). When no objections to a Report are made, the Court may adopt the Report if “there is no clear error on the face of the record.” Adee Motor Cars, LLC v. Amato, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005) (citation omitted).

Plaintiff was born on February 7, 1986 with Sturge-Weber Syndrome, a neurological disorder, and Klippel-Trenaunay-Weber syndrome, a vessel disorder. Suffering from these ailments has caused the plaintiff to endure a number of other health complications.

On April 13, 2004, Plaintiff filed an application with the Social Security Administration for supplemental security income, alleging a disability at birth. The Social Security administration denied the plaintiff’s application on August 3, 2004. Plaintiff filed a request for a hearing, and was heard before an Administrative Law Judge (“ALJ”). The plaintiff submitted reports from treating physicians and underwent consultative examinations. The ALJ denied the plaintiff’s application. Plaintiff’s appeal of the ALJ’s decision was also denied, and the plaintiff subsequently filed an action for judicial review of the ALJ’s decision. The Commissioner moved for a remand, on the basis that the ALJ failed to obtain a report from the plaintiff’s psychiatrist.

Magistrate Judge Pitman found that the ALJ’s failure to fully develop the record resulted from insufficient communication between the plaintiff and the ALJ. The magistrate judge correctly concluded there was some confusion regarding whether the plaintiff bore responsibility for obtaining the psychiatrist’s records. Magistrate Judge Pitman concluded that Plaintiff’s complaint should be remanded for reconsideration of the evidence.

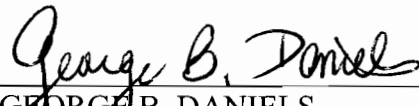
In his report, Magistrate Judge Pitman advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Neither party filed objections to the Report and the time to do so has expired. After carefully reviewing the Report, the Court finds that the report is not facially erroneous. Accordingly, the Court adopts the Report and for the reasons stated therein,

the Commissioner's motion is granted. The matter is remanded to the ALJ for further

proceedings.

Dated: New York, New York
August 19, 2009

SO ORDERED:



GEORGE B. DANIELS
United States District Judge